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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

RIVER CITY MEDIA, LLC, et al.,

Plaintiffs,

v.

KROMTECH ALLIANCE
CORPORATION, et al.,

Defendants.

Case No. 2:17-cv-00105-SAB

**DECLARATION OF JASON
BERNSTEIN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANT KROMTECH
ALLIANCE CORPORATION'S
MOTION TO DISMISS
PLAINTIFFS' CLAIMS;
MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT THEREOF**

With Oral Argument
Hearing Date:
August 16, 2017 @ 1:30 p.m.
Spokane, Washington

1 I, Jason E. Bernstein, make the following declaration based upon my own
2 personal knowledge:

3 1. I am an attorney representing Plaintiffs in this matter and am personally
4 familiar with the facts of the case.

5 2. Based on publicly available information, until approximately one month
6 ago, Defendant Kromtech hosted its websites, www.mackeeper.com and
7 www.kromtech.com, on an Amazon Web Services server located in Washington.


8 3. Based on publicly available WHOIS and hosting data, Kromtech
9 continues to use Amazon Web Services to host its websites. This necessarily
10 requires Kromtech to have entered into contracts with Amazon Web Services, Inc.,
11 a corporation with its principal place of business in Washington.

12 4. Kromtech advertises its products and services in Washington
13 newspapers, including paying for advertising space on www.seattlepi.com.

14 5. Kromtech has also published advertisements in the form of a press
15 release on a Spokane, Washington news station website. *See* "Chargeberry - ute
16 App to Extend MacBook Battery Life," available at
17 [www.khq.com/story/35606845/chargeberry-ute-app-to-extend-macbook-battery-](http://www.khq.com/story/35606845/chargeberry-ute-app-to-extend-macbook-battery-life)
18 [life](http://www.khq.com/story/35606845/chargeberry-ute-app-to-extend-macbook-battery-life), last visited July 6, 2017.

19 6. MacKeeper.com, located at www.mackeeper.com, contains interactive
20 elements. Users may (i) leave comments on individual articles, (ii) "recommend"
21 articles via social media, (iii) enter an email address to join Kromtech's mailing list
22 and obtain a discount on Kromtech's products, and (iv) purchase Kromtech's
23 products.

24 I declare under penalty of perjury that the foregoing is true and correct.
25 Executed the 6th day of July, 2017 at Seattle, Washington.

26
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28 Jason E. Bernstein